

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

BALD HILL BUILDERS, LLC,

Plaintiff,

v.

Case No.: CV 17-00107 (ADS)(GRB)

2138 SCUTTLE HOLD ROAD REALTY,
LLC,

Defendant.

-----X

DISCOVERY PLAN WORKSHEET

Phase I (Pre-Settlement Discovery)

Deadline for completion of Rule 26(a) initial disclosures
and HIPAA-complaint records authorizations:

Completed

Completion date for Phase I Discovery
as agreed upon by the parties:
(Presumptively 60 days after Initial Conference)

Completed

Phase II Discovery and Motion Practice

Motion to join new parties or amend the pleadings:

Reserved consistent
with Rule 15

First requests for production of documents
and for interrogatories due by:

January 31, 2019

All fact discovery completed by:

September 30, 2019

Exchange of expert reports completed by:

November 29, 2019

Expert depositions completed by:

December 31, 2019

COMPLETION OF ALL DISCOVERY BY:

December 31, 2019*

*This is a complex construction dispute involving dozens of subcontractors, suppliers and materialmen, many of who are key witnesses and reside out of state. Including all witnesses with relevant and discoverable knowledge of the claims, counterclaims and defenses, discovery may include securing documents and/or testimony from tens upon tens of witnesses, most of who are out of state and at least one who is out of country. The difficult and time consuming process of (i) serving the out-of-state witnesses with testimony and document subpoenas, (ii) securing their cooperation to produce data and appear, usually with counsel, (iii) actually obtaining their data, (iv) then processing and prepping same (possibly with accountants and experts), and (v) conducting those depositions out of state cannot be understated. The parties will endeavor to limit the number of depositions, etc. but may, at a minimum, require a modification of Fed. R.Civ.P. 30's limitations. (The parties intend to negotiate discovery limitations, along with an electronic discovery production protocol, upon entry of the scheduling order.) Regardless, given the issues, the scope of discovery and the fact that the parties and their counsel do not control the third parties involved here, the parties presently believe that they require at least 10 months to complete all discovery and other pretrial deadlines. Thus, the parties' request to extend discovery beyond the presumed Court-issued deadline. The parties will be prepared to discuss this further, if need be, at the scheduling conference.

BALD HILL BUILDERS,
By its attorneys,

2138 SCUTTLE HOLE ROAD REALTY,
LLC a/k/a 2138 SCUTTLE HOLE REALTY,
LLC.,
By its attorney,

/s/ Thomas T. Reith
Thomas T. Reith, Esq.
treith@burnslev.com
Laura Lee Mittelman, Esq.
lmittelman@burnslev.com
Burns & Levinson LLP
125 Summer Street
Boston, MA 02110
(617) 345-3000

/s/ John S. Wojak, Jr
John S. Wojak, Jr., Esq.
jwojak@duannemorris.com
Duane Morris LLP
1540 Broadway
New York, New York
(212) 692-1000

Dated: December 11, 2018

4826-0121-7154.1